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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

KELLY DEAN HARVEY,

Defendant.

**ORDER TO CONTINUE  
JURY TRIAL**

Case No. 2:11-CR-276 DAK

Based on the Motion to Continue the Jury Trial filed by defendant, Kelly Dean Harvey, in the above-entitled case, and good cause appearing, the court makes the following findings:

1. Defendant's motion to continue the trial date is based upon the on-going settlement negotiations with the government and additional time to finalize the terms.

2. Mr. Harvey's pending case before Judge David Nuffer, Case No. 2:11-CR-275 will also be combined in the settlement agreement.

3. Mr. Harvey is not currently in custody and agrees with the need to continue the trial date.

4. Assistant United States Attorney Mark Hirata, has stipulated to a continuance of the trial.

5. The ends of justice are best served by a continuance of the trial date, and the ends of justice outweigh the interest of the public and the Defendant in a speedy trial.

Based on the foregoing findings, and good cause appearing, it is hereby:

ORDERED

The jury trial previously scheduled to begin on May 14, 2012, is hereby continued to the 10<sup>th</sup> day of September, 2012, at 8:30 a.m. Pursuant to 18 U.S.C.

§ 3161(h), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the time between the date of this order and the change of plea date to be set is excluded from speedy trial computation for good cause.

Dated this 10<sup>th</sup> day of May, 2012.

BY THE COURT:

  
HONORABLE DALE A. KIMBALL  
United States District Court Judge